



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767
Rhode Island Relay 711

January 3, 2012

Senator Jack Reed
728 Hart Senate Office Building
Washington, DC 20510

Senator Sheldon Whitehouse
717 Hart Senate Office Building
Washington, DC 20510

Re: S.1371, the Rhode Island Fishermen's Fairness Act

Dear Senators Reed and Whitehouse:

On behalf of Governor Chafee, the Rhode Island Department of Environmental Management, and Rhode Island's entire marine fishing community, I write to convey our strong support for S.1371, the Rhode Island Fishermen's Fairness Act, which would amend the Magnuson-Stevens Fishery Conservation and Management Act ("the Magnuson-Stevens Act") to add Rhode Island to the Mid-Atlantic Fishery Management Council.

We recognize and appreciate your long-standing efforts to address this issue. Given the growth and evolution of marine fisheries management over the years, the issue has increased in importance and is now one of the most critical issues facing the future of Rhode Island's vibrant commercial and recreational fishing industries.

The time has come to better align the regional federal fishery management programs governing the fisheries off the U.S. East Coast with the interests they serve, and S.1371 does just that.

Since 1976, when the Magnuson-Stevens Act was adopted, the management of marine fishery resources in federal waters has been carried out by eight regional fishery management councils, with the New England and Mid-Atlantic Councils responsible for the management of fisheries in federal waters off the U.S. East Coast, from Maine to the Carolinas. For reasons that may have made sense in 1976, the New England Council is comprised of representatives from the states of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; and the Mid-Atlantic Council is comprised of representatives from the states of New York, New Jersey, Pennsylvania, Delaware,

Maryland, Virginia, and North Carolina. Both Councils also include the NMFS Northeast Regional Administrator as a voting member. When the Magnuson-Stevens Act was first adopted, the State of North Carolina did not hold a seat on the Mid-Atlantic Council; rather it held a seat on the South Atlantic Council, in accordance with the initial line drawn by the Act. In 1996, for reasons identical to the ones governing Rhode Island's current interests, North Carolina gained two seats (ultimately three) on the Mid-Atlantic Council, and has since continued to serve on both Councils.

The New England Council is responsible for managing a number of commercial fisheries that are important to Rhode Island, including groundfish, scallops, Atlantic herring, and skates. Monkfish and dogfish, also of commercial importance to Rhode Island, are jointly managed by the New England and Mid-Atlantic Councils.

While Rhode Island remains deeply invested in the species managed by the New England Council, the majority of Rhode Island's commercial landings of finfish and squid are of species managed by the Mid-Atlantic Council. In 2010, a total of 77.5 million pounds of finfish, lobsters, and shellfish were landed in Rhode Island, valued, ex-vessel, at \$62.6 million. Of those totals, Council-managed finfish and squid accounted for (coincidentally) 62.6 million pounds (81 percent of RI's total landings by volume), valued at \$35.7 million (57 percent of RI's total landings by value). ***Of the 62.6 million pounds of RI landings of Council-managed finfish and squid, 35.6 million pounds (59 percent), valued at \$26.4 million (74 percent), were species managed by the Mid-Atlantic Council.*** Four of the top ten species landed in Rhode Island by weight (shortfin squid, longfin squid, mackerel, and scup) are managed by the Mid-Atlantic Council; and six of the of the top ten species landed in Rhode Island by value (longfin squid, summer flounder, shortfin squid, monkfish, scup, and mackerel) are managed by the Mid-Atlantic Council (with monkfish subject to joint management with the New England Council). Squid, managed exclusively by the Mid-Atlantic Council, is Rhode Island's premier fishery, both in terms of total volume and total value.

Several species managed by the Mid-Atlantic Council are also of particular significance to Rhode Island's recreational fishing community. Those species include summer flounder, scup, black sea bass, and bluefish.

The high proportion of Rhode Island landings of species that are managed by the Mid-Atlantic Council is not surprising, given Rhode Island's geographic orientation. Rhode Island Sound opens up to the waters of the Northern Mid-Atlantic Bight, a distinct marine ecosystem that extends south from southern New England to the offshore canyons east of New Jersey. Oddly, pursuant to the configuration of states on the New England and Mid-Atlantic Councils, as prescribed by the Magnuson-Stevens Act, and the separate fishery management programs developed by the two Councils, Rhode Island has long-standing, vested interests in the fisheries managed by both Councils, yet lacks representation on the Council that manages the fisheries that are of major importance to the State.

It is important to emphasize that the leadership of the Mid-Atlantic Council has been very accommodating with regard to Rhode Island interests, and several important coordinating

mechanisms exist through the Council process that allow for Rhode Island-based input to decision-making. Examples include: participation by Rhode Island fishermen on Advisory Panels; Frank Blount's role on the Mid-Atlantic Council as New England Council liaison, and the joint meetings held annually between the Mid-Atlantic Council and the Atlantic State Marine Fisheries Commission's (ASMFC's) Summer Flounder, Scup, and Black Sea Bass Management Board, on which Rhode Island has a seat. While these coordination opportunities are meaningful, they do not rise to the level of having representation on the Council.

The Advisory Panels are solely advisory. Rhode Islanders hold no seats on the Species Committees, which are a step up from the Advisory Panels. The liaison position is a non-voting position. The joint meetings with the ASMFC only address three of the fisheries of interest to Rhode Island, and input is limited because of the voting protocols -- each motion must be a joint motion; and the Council always votes first, so if the ASMFC Board disagrees, the Council's position trumps the Board's position.

Because of the existing framework, Rhode Island has no meaningful say in the formulation of management programs by the Mid-Atlantic Council for three of Rhode Island's most important fisheries -- squid, mackerel, and butterfish -- and only limited input with regard to the federal programs for summer flounder, scup, and black sea bass. The Magnuson-Stevens Act is intended to provide a fair system whereby major commercial and recreational fishing interests are reflected in the voting memberships of the Councils, but that is not the case with regard to the current structure of the Mid-Atlantic Council. As the Council considers increasingly progressive management regimes, perhaps including catch-share approaches, resource-allocation decisions will intensify, making it imperative that all interests be fairly represented.

Rhode Island's strong interest in gaining representation on the Mid-Atlantic Council is in keeping with the excellent working relationship that the State has developed with the Council leadership and membership. Rhode Island is looking to build on that relationship, and advance the collaborative path that we're on, via formalized representation. Rhode Island is not looking to impact or compete with other interests represented by other states; rather, Rhode Island is seeking to protect and support the interests of our fishermen, in a fair, cooperative, respectful, and responsible manner.

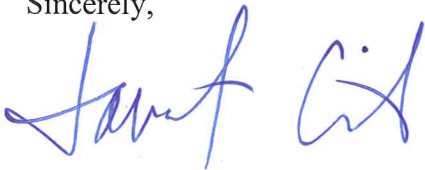
Ultimately, as the Councils give increasing attention to the value and appropriateness of ecosystem-based management, the whole Council structure established by the Magnuson-Stevens Act may warrant re-examination, with a view to better aligning the bodies with the ecosystems they are managing. Climate change is causing significant shifts in the distributions of fish stocks, prompting the need for adaptive management regimes. Affording Rhode Island the opportunity to fully participate in the management programs governing the fishery resources that occur off the southern Rhode Island coast is a significant step in the right direction. S.1371 is ecologically based and rationally rooted in the democratic principles of fisheries management under the Magnuson-Stevens Act. It enables fishermen from Rhode Island, New York, and New Jersey, who fish the same waters for the same fish, to have equal representation in the process of deciding how best

to manage those fish, fairly and responsibly. And it follows the precedent set by the addition of North Carolina to the Mid-Atlantic Council in 1996. It is clearly the right thing to do.

Please know that the Department of Environmental Management stands ready to assist you and your staff in any way that we can. We have reached out to our counterparts in neighboring states who serve on the Mid-Atlantic Council, as well as the Council leadership, and were pleased to learn of their interest in, and support for, sound governance vis-à-vis the Council process and its relationship to Rhode Island's interests. If you would like to discuss this further, please contact Bob Ballou at 401.222.24700 x 4420 or me.

Thank you for your strong stance on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit". The signature is fluid and cursive, with the first name "Janet" written in a larger, more prominent script than the last name "Coit".

Janet Coit
Director